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Bettina B. Plevan
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www.proskauer.com**Via Facsimile (212) 805-7943**The Honorable Edgardo Ramos
United States District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007**Re: United States and the State of New York ex rel. Kane v. Continuum Health Partners, Inc.**
Civil Action No.: No. 11 Civ. 2325 (ER)

Dear Judge Ramos:

We represent Defendants Continuum Health Partners, Inc. ("Continuum"), Beth Israel Medical Center ("Beth Israel"), and St. Luke's Roosevelt Hospital Center ("St. Luke's") (collectively "Defendants"), and write to inform the Court that Defendants have decided to proceed with filing motions to dismiss the complaints in intervention filed by the United States (the "U.S. Complaint") and the State of New York (the "NY Complaint") (collectively "Complaints").

Defendants have conferred with counsel for the United States and State of New York and have agreed on the following briefing schedule: Defendants will file their motions to dismiss the U.S. Complaint and the NY Complaint on or before September 22, 2014. The United States' and the State's opposition will be filed on or before October 22, 2014, and Defendants' reply be filed by November 7, 2014.

Respectfully submitted,



Bettina B. Plevan

cc: All Counsel (via e-mail)

The application is ☒ granted.
☐ denied.

Edgardo Ramos, U.S.D.J.

Dated: 9/10/14
New York, New York 10007